

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES,

Plaintiff,

v.

**JAMIE RAMUNDO MARTINEZ, a/k/a
ANGEL MARTINEZ**

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 2:17-cr-20392-JTF-1

**ORDER ADOPTING CHIEF MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION TO DENY AS MOOT DEFENDANT'S MOTION TO DISMISS**

Before the Court is Defendant Jamie Ramundo Martinez's Motion to Dismiss with Prejudice filed on February 11, 2018. (ECF No. 22.) The Government filed its Response in Opposition to Defendant's Motion to Dismiss on February 27, 2018. (ECF No. 26.) Defendant, referencing the Bail Reform Act of 1984, 18 U.S.C. § 3141 *et seq.*, and the Immigration and Nationality Act of 1965, 8 U.S.C. § 1101 *et seq.*, seeks either dismissal of the criminal proceedings against him or his release from ICE administrative custody. (ECF No. 22, 8–9.) The Motion was referred to the Chief Magistrate Judge, and on March 12, 2018, the Chief Magistrate issued a Report and Recommendation suggesting that Defendant's Motion to Dismiss be Denied as Moot. (ECF No. 27.) Defendant did not file any Objections to the Report and Recommendation.

I. FINDINGS OF FACT

On December 12, 2017, Defendant was indicted by a federal grand jury for using a false identification card for the purpose of securing employment in violation of 18 U.S.C. §

1546(b)(2). (ECF No. 1.) Following a bond hearing on January 26, 2018, the Chief Magistrate Judge set a bond on the criminal charges but the United States informed the Magistrate that Immigration Customs Enforcement (“ICE”) had placed an immigration hold or detainer on Defendant. (See ECF Nos. 20 & 22.) Upon posting bond with the Clerk’s Office, pursuant to the ICE detainer, Martinez was detained and transported to an ICE Processing Facility in Louisiana. (ECF No. 22, 2.)

II. LEGAL STANDARD

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Upon hearing a pending matter, “[T]he magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003) (citations omitted) (“A district court normally applies a ‘clearly erroneous or contrary to law’ standard of review for nondispositive preliminary measures. A district court must review dispositive motions under the *de novo* standard.”). Upon review of the evidence, the district court may accept, reject, or modify the proposed findings or recommendations of the Magistrate Judge. *Brown v. Board of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C.

§ 636(b)(1). The court “may also receive further evidence or recommit the matter to the Magistrate Judge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at *3 (W.D. Tenn. Mar. 11, 2015). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

III. ANALYSIS

The Chief Magistrate Judge recommends that the Court deny as moot Defendant’s Motion to Dismiss because he was released without bond from ICE custody on February 15, 2018. (ECF No. 27, 2; ECF No. 26.) Finding that Defendant was in fact released from ICE custody, this Court agrees with the recommendation of the Chief Magistrate Judge.

IV. CONCLUSION

Upon *de novo* review of the Chief Magistrate’s Report and Recommendation, the Court hereby **ADOPTS** the Magistrate Judge’s Report and Recommendation to **DENY** as moot Defendant’s Motion to Dismiss.

IT IS SO ORDERED on this 18th day of June 2018.

s/John T. Fowlkes, Jr.
John T. Fowlkes, Jr.
United States District Judge